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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,129	09/20/2000	Hideo Ando	197393US2S CONT	1905

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1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,129

Applicant(s)

ANDO ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 2/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/6/05 & 8/23/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to cancelled claims 1-19 and in view of newly presented claims 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because.

Claim 20 does provide functional descriptive material in the forms as recited:

- o presentation time information, time stamp and management data including a table;
- and recited in a medium,
- o but, the time or management data requires a function or operation associated with one of the recited functional descriptive recited elements in association with the recited stream data being non-functional material.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject

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matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenihan et al. (US 6,169,843) in view of Hirabayashi et al. (US 6,002,834).

Regarding claims 1 and 10, Lenihan disclose and meets the limitations associated with a method and corresponding apparatus for recording and reproduction and data structure comprising:

- recording device with to a medium (Fig.2, "230");
- an area for stream data (Fig. 2, from "200", transport stream data structure having video and audio etc.....);
- a management area for recording management information that pertains to the stream data (met by functional information or time stamp type data and video and audio headers, including, such as PTS, DTS, other headers and other type of data such as PIDs etc., that pertain to the stream, even reads on ATS and various other disclosed management data recorded to the media being a MPEG transport stream used to reproduce from the media, col. 4-5 etc.....),

wherein a pairs of time stamp and a transport packet (Fig. 1 B, wherein each includes a PCR in the adaptation fields of each transport packet, col. 4-5), also reads on the ATS col. 2, lines 60-, "ATS ... for each of a plurality of input transport packets to be recorded"; plurality of stream packets each of which one or more of the data recording units with time stamps (met by either ATS/PCR, col. 2-8), and the stream packets; wherein each of the stream packets include a pack header (col. 4, lines 30-, "sync byte is a fixed pattern which permits identification of the beginning of each transport packet"); wherein a start portion (header, beginning) of an

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application packet area (col. 9, lines 25-60, "ATS ... attached to the beginning of the packet").

Lenihan fails to disclose in a management area includes a table information indicating a relationship between presentation time information or PTI, a corresponding access point in the stream data.

Hirabayashi teaches providing a table in a management area having a time code and address information, being a type of presentation information indicating a relationship between presentation time information and a corresponding access point (sector address), in the stream data, Figs. 7-8, such as sector address (table of Fig. 2, Fig. 6 B, medium Fig. 6 A, Fig. 10), used to reproduce only I picture or skipping I picture, for trick play operations, col. 3-4, as taught by Hirabayashi.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Lenihan by incorporating a trick play table having a presentation time information, corresponding to an access point in the steam data on the medium, facilitating trick play operations by reproducing I pictures only or I picture skipping-ly by using the table, as taught by Hirabayashi.

Claims 22-23 are analyzed and discussed with respect to claim 20 above, wherein the first and second reproducers, are met by a head reading the data on the disk, required for reproduction in trick play operations, based on the combination as applied.

Regarding claim 21, the method of recording is also obvious in view of the combination of a media having recorded thereon, renders an obvious data structure to record to, as is obvious to those skilled in the art.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information


Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
7/11/05


VINCENT BOCCIO
PRIMARY EXAMINER